

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

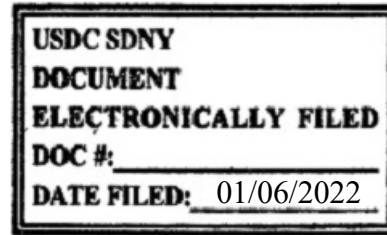
NICHOLAS DeSIMONE, PATRICK
GARDNER, MOHAMMAD HUSSAIN,
PAUL MALSTROM, STEPHEN
GALLAGHER, CRAIG PALADEAU,
CORY BENNER, and all others similarly
situated,

Plaintiffs,

-against-

TIAA BANK, FSB, f/k/a Everbank Financial
Corp.,

Defendant.



20-CV-6492 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court is in receipt of the parties' joint letter dated December 30, 2021 (Joint Ltr.) (Dkt. No. 182), regarding the opt-in plaintiffs' proposed interrogatories to defendant. It is hereby ORDERED as follows:

1. Interrogatories. The opt-in plaintiffs may propound on defendant the following as Interrogatory Nos. 3, 4, and 5:
 - a. Interrogatory No. 3: "Identify any time records TIAA Bank maintained reflecting the number of hours Opt-In Plaintiff worked during each workweek during the relevant time period."
 - b. Interrogatory No. 4: "Identify the types of outside sales activities TIAA Bank believes Opt-In Plaintiff performed."
 - c. Interrogatory No. 5: "Identify the pay policies, job descriptions, and disciplinary rules of Defendant to which Opt-In Plaintiff was subjected but which were not applicable to other Retail Loan Officers of Defendant."
2. Production. As to each opt-in plaintiff selected for deposition, defendant shall produce, "sufficiently in advance of the deposition," (i) the records it identifies in response to Interrogatory No. 3; (ii) "any documents it believes are relevant to establishing the number of hours the opt-in did or did not work each workweek,"

Joint Ltr. at 2; and (iii) "any outside sales 'activity logs' that were completed by the opt-in Plaintiff, which reflect the outside sales activities of the opt-in Plaintiff, along with dates and times spent performing those activities." *Id.* at 4.

3. Scheduling. The parties are directed to advise the Court, by letter, when the opt-out period closed, and provide a date certain for the current fact discovery close date (described in Dkt. No. 105, ¶ 7, as "180 days from the date the opt-in period closes").

Dated: New York, New York
January 6, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge